



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, November 17, 2015
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Alicia DiBenedetto-Neubauer
Dan Roszkowski
Scott Sanders
Kimberly Wheeler-Johnsen
Craig Sockwell
Melissa Luciani-Beckford

Absent: Tom Fabiano

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Lafakeria Vaughn - Assistant City Attorney
Tim Morris - Fire Department
Sandra Hawthorne - Administrative Assistant
Nathan Walker - Rockford Police Department

Others: Kathy Berg - Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, November 23rd at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:30 P.M. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the October 20th meeting as written. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-1 with Craig Sockwell abstaining and Tom Fabiano absent.

015-LTAB-040

Applicant
Ward 13

529 and 523 West Jefferson Street & 301 N. Winnebago Street

Minesh Patel / Minesh, Inc. d/b/a Noble's Grocery

Sale of Tobacco Products in conjunction with a grocery store in a C-3, General Commercial Zoning District

The subject property is located on the northeast corner of the North Winnebago Street and West Jefferson Street intersection. Shital Patel, speaking on behalf of the Applicant, reviewed his request for the sale of tobacco products. She stated this store has been in operation since the 1920's and has not changed. Attorney Hammer asked if the Applicant had an opportunity to review conditions of Approval and Ms. Patel stated they have and they are agreeable to all staff conditions.

Staff Recommendation is for Approval with (14) conditions. One Objector was present.

Samir Rathod was present as an Objector. He stated he owns the 320 Store next door to the subject property. He stated there are several tobacco licenses in this area. He felt there is really no money made on tobacco, perhaps 10 or 15 cents a pack. He stated the Applicant's building has an apartment on the upper floor and he does not understand how the City approved this structure due to the conditions.

In response, Ms. Patel, stated they will be fixing the upstairs apartment and renting it out. She stated no one is currently living there.

Mr. Capovilla stated the issue at this board is the sale of tobacco. He said if there are any health violations the person concerned should contact the Health Department. Any building violations should be referred to the City Building Division and we will do an investigation.

A **MOTION** was made by Melissa Beckford to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of Minesh Patel / Minesh, Inc. d/b/a Noble's Grocery in a C-3, General Commercial Zoning District at 529 and 523 West Jefferson Street & 301 North Winnebago Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco products shall be limited to Exhibit F, the submitted interior floor plan.

4. Submittal of a Parking Lot Permit and site (civil) plan to include improvements to the parking lot and (9) parking spaces.
5. Submittal of a detailed landscape plan for the parking lot to include perimeter landscaping, interior islands, open green space, new concrete curbed island around the perimeter landscaping, and plant species for Staff review and approval.
6. Submittal of a dumpster detail, rendering, and Dumpster Enclosure Permit for Staff's review and approval.
7. The hours and days of operation for the grocery store will be from 8:00 AM to 8:00 PM Monday through Sunday.
8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
9. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
10. Window display signage is limited to 20% of window area.
11. That there shall not be temporary exterior signage.
12. That the windows shall not be covered with bars or other devices that block the windows.
13. All conditions must be met prior to establishment of use.
14. Installation of approved landscaping must be completed by May 1, 2016.

015-LTAB-041

Applicant
Ward 13

11XX Taylor Street & 3216 Auburn Street

Indrasinh Rathod / A-Eleven Inc., d/b/a It Drive Inn Liquor Store

Sale of Packaged Liquor -and-

Sale of Tobacco Products in conjunction with a liquor store in a C-2, Limited Commercial Zoning District

The subject property is located 388 feet south east of the Auburn Street and North Avon Street intersection. Indrasinh Rathod, Applicant, reviewed his request for the sale of packaged liquor and tobacco products. He stated he will enclose the dumpster as requested in Staff condition (3) as soon as possible. Regarding condition (13) for signage, Mr. Rathod stated he has no control over the signage as it belongs to the shopping center and there are four stores involved. He is only leasing the property. He is agreeable to all other conditions.

Staff Recommendation is for Approval with (14) conditions. One person in Support was present.

Paul Kanel, present as a Supporter, stated he is the current owner of the business and is selling to the Applicant. He asked the Board if he could provide any additional information. Mr. Sanders pointed out that there is an additional, separate sign that advertises RC Cola and IT Liquor and does not appear to be part of the shopping center sign. Mr. Capovilla verified this is correct. Mr. Roszkowski felt the Board had the ability to ask that the separate sign be brought into conformance as this appears to definitely be used to advertise the Applicant's store only. Mr. Capovilla felt if the applicant had a lease agreement for the parking, then they would have an agreement for this separate sign as well and felt it should be brought into conformance under that condition.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of packaged liquor in conjunction with a liquor store and to **APPROVE** the sale of tobacco products in conjunction with a liquor store in the name of Indrasinh Rathod / A-Eleven Inc., d/b/a It Drive Inn Liquor Store in a C-2, Limited Commercial Zoning District at 11XX Taylor Street & 3216 Auburn Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a dumpster detail with enclosure material for Staff review and approval.
4. The sale of packaged liquor and tobacco products shall be limited to the submitted plan Exhibit D.

5. The hours of operation will be limited to 9:00 AM to 10:00 PM Monday through Thursday and on Sunday.
6. The hours of operation will be limited to 9:00 AM to Midnight (12:00 AM) Friday and Saturday.
7. That the existing brand identification wall signs shall be removed.
8. Window display signage is limited to 20% of window area.
9. That the windows shall not be covered with bars or other devices that block the windows.
10. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
11. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
12. That there shall not be temporary exterior signage.
13. Removal of the free-standing pole sign and replace it with a landmark style free-standing sign by March 1, 2016.
14. All conditions must be met prior to establishment of use.

015-LTAB-042

Applicant
Ward 06

2635 11th Street

Dimpalben Patel / NND Mart, Inc. d/b/a Turbo Trade Center
Sale of Tobacco Products in conjunction with a convenience store / tobacco store in a C-3, General Commercial Zoning District

The subject property is located on the west side of 11th Street, south of Harrison Avenue. Attorney Nicholas Meyer, the Applicant, Dimpalben Patel, Chandreshkumar Patel and Alpa Patel were present. Attorney Meyer stated the Patels also own the All Day Donut store right across the street from Chuck-E-Cheese on East State Street. He stated this application is a tobacco store with limited convenience store items. Attorney Meyer explained that the lot ends about 3 feet from the front door and they would be able to put landscaping in with the approval of the Owner. The same is true of Staff's condition number (10) to remove the existing freestanding sign along 11th Street. In both situations, they would need to receive permission from the owner of the property. Attorney Hammer asked to clarify the hours of operation as submitted on the business plan and asked if his clients agree with the remaining Staff conditions. Attorney Meyer confirmed.

Scott Capovilla explained there is likely to be right of way purchases on 11th Street for improvements by IDOT, and condition number (10) was added based on this situation.

Staff Recommendation is for Approval with (11) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of tobacco products in conjunction with a convenience store / tobacco store in the name of Dimpalben Patel / NND Mart, Inc. d/b/a Turbo Trade Center in a C-3, General Commercial Zoning District at 2635 11th Street with condition (2) amended to say 12:00 AM. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Monday-Sunday 6:00 AM to 12:00 AM.
3. Inside signage cannot exceed more than 20% of the window surface.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. A dumpster enclosure must be installed around the dumpster.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. Submittal of landscape plan for Staff's review and approval.
9. Installation of approved landscaping by May 1, 2016.

10. Removal of existing free-standing sign along 11th Street and any future freestanding signage must be a landmark style per the Zoning Ordinance.
11. Removal of all temporary signage on the building.

015-LTAB-043

Applicant
Ward 14

4545 Sandy Hollow Road

Shantilal Patel / SM Angels, Inc. d/b/a Sandy Phillips 66

Modification of an Existing Liquor License to allow the sale of full packaged liquor in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District and I-1, Limited Industrial Zoning District

The subject property is located on the southeast corner of Sandy Hollow Road and South Alpine Road. Shantilal Patel, Applicant, reviewed his request for modification of the existing liquor license. In March of this year, he was granted a beer and wine license and wishes to modify that to add the sale of full packaged liquor

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present. Mr. Patel stated he has reviewed Staff Recommendations and is agreeable to all of them. He further stated the landlord is agreeable to the conditions (9) and (10) dealing with signage as well.

A **MOTION** was made by Melissa Beckford to **APPROVE** the modification of existing liquor license to allow the sale of full packaged liquor in conjunction with a gas station and convenience store in the name of Shantilal Patel / SM Angels, Inc. d/b/a Sandy Phillips 66 in a C-2, Limited Commercial Zoning District and I-1, Limited at 4545 Sandy Hollow Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire, liquor and tobacco codes.
2. The sale of liquor shall be limited to the submitted interior floor plan Exhibit E.
3. The sale of liquor shall be restricted to the hours permitted by the Liquor Ordinance.
4. Inside signage cannot exceed more than 20% of the window surface.
5. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. There shall be no single serving sales of liquor, beer or wine in volumes of 12 ounces or less.
9. Removal of the non-conforming free-standing sign and submittal of a sign permit for new landmark style sign for Staff review and approval.
10. Installation of the new landmark style sign must be completed prior to the issuance of the new license.
11. Maintenance of the landscaping area and adding additional shade trees along both street frontages to meet the landscaping ordinance.
12. Additional shade trees must be installed by May 1, 2016.

With no further business to come before the Board, the meeting was adjourned at 7:10 PM

Respectfully Submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board